

- relocation features

Do you need an MVV?

Some expats must receive an MVV before applying for a residence permit and in this Expatica report, Patrick R Rovers reveals who needs it and how you can obtain one.

Certain expatriates intending to stay longer than three months in the Netherlands need to obtain an MVV (an authorization for provisional sojourn), before travelling to the Netherlands and taking up residency here.

Obtaining an MVV is often a tedious, time consuming and difficult process since all sorts of Dutch rules and regulations are applicable.



Residence permit

An expatriate, who intends to stay in the Netherlands for a period longer than three months, has to apply for a residence permit with the Aliens Police of the municipality in which he is residing or staying.

In certain cases the expatriate is obliged to get an MVV before an application for a residence permit in the Netherlands is possible.

The Aliens Police will check if an MVV has been obtained. If an MVV is not produced, the residence permit application will be turned down immediately.

When holding a residence permit (a valid ID), the expatriate has sufficient proof of his lawful residence in the Netherlands. Failing to obtain a residence permit is a direct violation of the Vreemdelingenwet (Aliens Law), meaning illegal residence for the expatriate involved.

MVV

Aside from nationals from countries listed in the box on the right, the rest of the world's population must apply for an MVV with a Dutch embassy or consulate in their country of origin.

Another possibility is going through the so-called 'referent' procedure. This means that the MVV application in the country of origin is prepared and supported by a referent from the Netherlands. In certain cases the future employer in the Netherlands may act as referent.

Some expatriates are exempt from the MVV requirement including nationals from the EU/EER countries and Australia, Canada, Japan, Monaco, New Zealand, Switzerland and the United States of America.

The application process

The MVV application procedure can sometimes pose a real problem for the expatriate.

In 1999 a total of 44,000 MVV applications were processed. According to current Dutch regulations the MVV procedure ought to be finalised within three months.

These days the average procedure can take six months or more. During

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the application period the expatriate is not allowed to stay in the Netherlands. He should remain in his country of origin and await the final result of his MVV application.

Different stages

A regular MVV application procedure starts with the Dutch embassy or consulate in the country of origin. The expatriate files the application form (with supporting documents) and pays a fee of EUR 50.

The embassy or consulate then sends to application to the Ministry of Foreign Affairs in the Netherlands, which in turn puts in a request for information and advice with the Immigratie en Naturalisatiedienst (IND).

The future employer or another concerned party will be contacted for supporting documents, for instance to substantiate that a valid work permit has been obtained or suitable living quarters are available.

If the IND provides a positive advice on the MVV application, the embassy or consulate will be notified. Subsequently, the expatriate will be invited to come over to the embassy or consulate.

His passport and some other requirements will be thoroughly checked. The MVV will be placed in the expatriates' passport and is valid for a six-month period. This means that the expatriate has to travel to the Netherlands and apply for a Dutch residence permit within a six-month timeframe.

MVV processing tends to take a lot of time and effort. Three to four different Dutch governmental organisations are part in the MVV application process, so a lot of processing time is lost in sending application files and documents to the next party involved.

In closing

Most expatriates require an MVV before they can enter the Netherlands and apply for a residence permit. Due to time consuming Dutch procedures, and delays or backlogs with the Dutch governmental organisations an application procedure for an MVV may take many months. During the procedure the expatriate is not allowed to be in the Netherlands. Since the MVV is crucial for the residence permit application, expatriates must invest a lot of time and effort in obtaining the MVV. Careful preparation and use of the referent procedure is recommendable.

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This article is for informative purposes only, is general in nature, and is not intended to be a substitute for competent legal and professional advice. Dutch rules and regulations regarding work permits, visas and residence permits are continuously subject to change.

Patrick R. Rovers is a consultant with Van Velzen C.S. the Netherlands B.V.

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